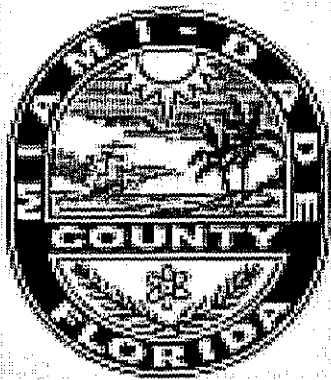


Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



LEGISLATIVE ANALYSIS

January 13, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

**Governmental Operations &
Environment Committee**

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION IN EXECUTING AMENDMENT NUMBER ONE TO AGREEMENT NUMBER G0010 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE CENTRAL MIAMI-DADE WATERSHED PLANNING PROJECT

Department of Environmental Resource Management

I. SUMMARY

Item is a ratification of Amendment No. One to Agreement Number G0010 with the Florida Department of Environmental Protection (FDEP) for the Coastal Impact Assistance Program Grant.

II. PRESENT SITUATION

On June 2, 2002, the BCC approved a resolution authorizing the County Manager to execute an agreement with the State of Florida which provided Miami Dade County with \$750,000 for the Coastal Impact Assistance Program Grant. Staff is requesting approval of the Amendment to provide reimbursement of the consultant's fee for this project in the amount not to exceed \$567,169 and adjustments to the Salaries and Fringe Benefits amounts.

III. POLICY CHANGE AND IMPLICATION

Retroactive changes include:

	<u>Original Amount</u>	<u>Amended Amount</u>
Salaries from	\$279,045	\$96,135
Fringe Benefits	\$244,623	\$72,696
Other Category increase from	\$212,332	\$567,169*

*not to exceed reimbursement of the consultant's fee for this project

IV. ECONOMIC IMPACT

There is no economic impact because the overall total amount of the grant (\$750,000) has not changed. The Amendment only redistributes the funds within the budget.

V. COMMENTS AND QUESTIONS

This amendment is retroactive because the County Manager approved the changes due to a ten day turn around request from the FDEP. Why did FDEP only give us ten days to make changes?

What work has the County done from the time of execution of the agreement of June 2002 to date? How much money has the County received thus far from the State of FL?

How much work has been performed by the consultant engineers? Are they completed?

January 13, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

***RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN
AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA INLAND
NAVIGATION DISTRICT TO PROVIDE FUNDING FOR THE BISCAYNE BAY
CLEANUP EVENT***

Department of Environmental Resources Management

I. SUMMARY

Item authorizes agreement between Miami-Dade County and the Florida Inland Navigation District (FIND) to provide funding for the DERM's 2004 Baynanza Biscayne Bay clean up event.

II. PRESENT SITUATION

Acceptance of this item would transfer FIND funds to Miami-Dade County for 2004 Baynanza Biscayne Bay Cleanup event along the Atlantic Intracoastal Waterway.

III. POLICY CHANGE AND IMPLICATION

FIND will provide Miami-Dade County with \$5,000 to assist in the funding of t-shirts for this event.

IV. ECONOMIC IMPACT

This will be a positive fiscal impact, in that the transfer of \$5,000 in FIND funds will reduce the overall County expenditure for the event, which is estimated to cost up to \$82,000.

V. COMMENTS AND QUESTIONS

On December 9, 2003, the Governmental Operations and Environment Committee forwarded to the Board of County Commissioners funding of Baynanza 2004.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE ACQUISITION OF A DRAINAGE EASEMENT IN SECTION 13, TOWNSHIP 54 SOUTH, RANGE 40 EAST

Public Works Department

I. SUMMARY

This resolution will approve the acquisition of a drainage easement for Miami-Dade County.

II. PRESENT SITUATION

The drainage easement will be acquired at no cost to the County, which is being offered by a Developer from land located at the North bank of Coral Gables Canal. The drainage easement is needed for the construction of a proposed outfall pipe to provide flood relief to the neighboring community.

The Department of Environmental Resources Management received an executed deed for said easement and awaits the approval by the Board.

III. POLICY CHANGE AND IMPLICATIONS

None

IV. ECONOMIC IMPACT

None

V. COMMENTS AND QUESTIONS

By time of printing, staff did not respond to the following questions?

Will the residents in and around the area be significantly impacted by this project?

How is this project being funded?

LEGISLATIVE ANALYSIS AND IMPACT STATEMENT

RESOLUTION DIRECTING THE DEPARTMENT OF PLANNING AND ZONING TO ESTABLISH A METHOD FOR PRIORITIZING THE PREPARATION OF AREA PLANS FOR URBAN CENTERS GENERALLY LOCATED ALONG TRANSIT CORRIDORS AND THAT SUCH PRIORITIZATION BE GUIDED BY THE AVAILABILITY OF FUNDS AND RESOURCES, THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND THE TRANSIT IMPROVEMENTS OF THE PEOPLE'S TRANSPORTATION PLAN.

County Manager

I. SUMMARY

This proposed resolution directs the Department of Planning and Zoning (DP&Z) to prioritize the preparation and construction of Urban Centers located along transit corridors, and that such prioritization be guided by the availability of funds and resources, the CDMP, and the transit improvements of the People's Transportation Plan. The types of Urban Centers are: Community Urban Centers (CUC), Regional Urban Centers (RUC), and Metropolitan Urban Centers (MUC).

II. PRESENT SITUATION

Currently, the Urban Centers have been conducted as follows: (1) request by Community Council with an approved budget, (2) areas that has received special budgetary allocations, and (3) request such plans from the Board of County Commissioners, as part of the budgetary process.

III. POLICY CHANGE AND IMPLICATIONS

This resolution directs DP&Z to create a hierarchy for the preparation of area plans for Urban Centers. The Department proposes the following: "Metropolitan Urban Centers (MUC)" i.e. Downtown Kendall, in UMSA, MUC in municipalities." That is to say, MUC in UMSA and along a transit corridor would take priority and precedence over all

other urban centers. Metropolitan Urban Centers in Municipalities would take second preference. With respect to Community Urban Centers (CUC) *i.e.* Charrette, the Department proposes as follows: "CUC's in UMSA, and CUC's in municipalities." Staff explained that CUC's in UMSA would take priority over CUC's in municipalities.

IV. ECONOMIC IMPACT

None, urban centers are normally budgeted

V. COMMENTS AND QUESTIONS

This priority list is in response to the commissioners' request that a priority list be created.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH NORTHWESTERN TRAVEL MANAGEMENT, TO OBTAIN TRAVEL MANAGEMENT SERVICES, AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. 377

Procurement Management Department (DPM)

I. SUMMARY

This resolution authorizes award of RFP No. 377 *Travel Management Services* to Northwestern Travel Management (NTM). NTM will provide services of a full-service travel agency, as well as provide an on-line web interface for employees to book their own travel. The contract period is three (3) years with two (2) one (1) year options to renew. There were no contract measures established for this RFP due to lack of availability.

While this contract is within the County Manager's authority to award without the Board of County Commissioners' (BCC) approval, it is being brought back pursuant to BCC request at the time of advertisement of this RFP.¹ This item was sent to Committee for further discussion.

II. PRESENT SITUATION

The County's current travel services contract with Business Travel Advisors, Inc. (BTA) ended on Nov. 15, 2003, but was extended for three (3) months until this new contract is established. The current contract basically required BTA to do itineraries, billing, and customer service.

This RFP yielded seven proposals. The current contract did not require an on-line web interface for County staff to book their own travel, as this RFP does. NTM indicates that the on-line system it utilizes (Worldspan's Trip Manager) scans all available airline and internet-only databases, including Travelocity and Expedia, for available rates.²

The RFP stated that *proposals will be evaluated both on technological aspects of their product as well as the cost implications of their transaction fees and set-up cost.* NTM was first ranked overall and had a technical score of 312 points out of a possible 350 (42 points more than the second ranked proposer). BTA, the incumbent, was fourth ranked with a technical score of 225 and fifth ranked overall. NTM's price proposal was originally the highest of all the proposals, but it was reduced by nearly half after negotiations with the County, making it comparable to the lower price proposals which did not have the technical qualifications of NTM.³

¹ Administrative Order 3-38 authorizes the County Manager to award contracts valued at \$1,000,000 or less.

² Southwest Airlines is the only airline whose fares will not be available through the NTM system.

³ According to the Office of Strategic Business Management (OSBM), the reduction in the price proposal was accomplished by unbundling certain non-essential services (making some "optional services" a pay per use).

GOE ITEM 2(H) and Supplement January 13, 2004

On Sept. 15, 2003, after NTM was recommended for award by DPM, a bid protest was filed by BTA to (1) reject the proposals of the first, third, fourth and six ranked (NTM, American Express One, Lorraine Travel and Miami World Travel, respectively) due to alleged non-responsiveness and (2) to reevaluate the bids that remain. Specific arguments were made as to the top-ranked bids in the technical and price categories:

- The County's decision to award the contract was arbitrary and capricious, constituting favoritism, providing an unfair advantage to NTM. Specifically, they allege that (page 18 of bid protest):
 - NTM included pricing information in the technical portion of the proposal, in alleged violation of the RFP.
 - The RFP provides that proposals may be withdrawn prior to the due date [of May 9, 2003] or after 180 days. NTM expressed that the expiration date of the proposal is not effective after 8/7/03.
- The top-rated price proposal (Lorraine), which served as a benchmark for all other price proposals did not include all items outlined in the RFP. Specifically, they allege that (page 19 of bid protest):
 - The prices quoted by Lorraine were extremely low, but its self-serve capabilities solely rely on the use of Travelocity, a service which does not have access to prices for all of the available airlines, as required by the RFP. As such, the proposal could not include all requirements of the proposal. Hence, using Lorraine as a benchmark to evaluate other bidders was not proper.
 - Travelocity is a service that is free to consumers on the internet. Offering access to this free service on the company's website is not cost-effective.

On Oct. 28, 2003, the Hearing Examiner agreed with the County Attorney's office motion that the protest filed by BTA be rejected due to lack of standing.⁴

III. POLICY CHANGE AND IMPLICATION

The County is contracting with a travel management agency to take advantage of on-line technology not available at the time of the existing contract. In addition to improved speed and efficiency, fully automated on-line reservations greatly reduces transaction fees. While the contract does not guarantee that the County will be provided the lowest possible rates, if staff is somehow able to find a cheaper rate, NTM will meet it, provided that the reservation is still available. Reservations will still be able to be made directly with an airline or on the Internet, if the rate is lower than through NTM. However, these reservations would not be afforded the convenience, flexibility, and benefits of purchasing through NTM. The core services provided by NTM are listed on handwritten p. 46.

⁴ The County Attorney's motion noted that even if it could show that NTM was not deserving of the award, BTA would not be entitled to the contract. In addition, BTA's protest was not filed in respect to the second ranked proposer (Travel Management Partners).

**GOE ITEM 2(H) and Supplement
January 13, 2004**

IV. ECONOMIC IMPACT

The cost per transaction under this contract is \$15 for a fully-automated transaction (employee books on-line) or \$20 for an agent-booked transaction (employee speaks with agent), which is less than the current contract rate of \$29.50 per transaction. Additional agent-booked transaction fees are triggered in certain instances (including issuance of a paper ticket, upgrades, exchanging tickets, and processing of refunds) (see handwritten pages 44 and 45). According to the OSBM, who manages County travel, the County does not intend to utilize the optional services offered. User departments will pay any transaction fees.

At the time of RFP advertisement, the contract was estimated to cost approx. \$300,000 for the initial three year term and was based on actual airline tickets purchased in 2001 and the current negotiated per transaction rate:

$$\begin{aligned} 3,400 \text{ airline tickets} \times \$29.50 \text{ per transaction} &= \$100,300 \\ \text{Total Contract Price (3 years)} &= \$300,900 \end{aligned}$$

At this time, the contract is expected to cost \$200,675 for the initial three year contract term and is broken down as follows:

- One-time Implementation Fee \$3,500
- Per Transaction Fee (fully-automated) $\$15.00 \times 3,400 \times 50\% = \$25,500$
- Per Transaction Fee (agent-booked) $\$20.00 \times 3,400 \times 45\% = \$30,600$ (domestic)
 $\$50.00 \times 3,400 \times 5\% = \$ 8,500$ (international)
- Account Manager Assistance (\$75/hr) \$1,125

Total Contract Price (Year 1) \$ 69,225

Total Contract Price (Year 2) \$ 65,725

Total Contract Price (Year 2) \$ 65,725

Total Contract Price (3 years) \$200,675

Some of this cost will be offset by a soft dollar ticket barter program based negotiated by the County. The program provides for up to \$20,000 the first year and \$5,000 for subsequent years in the form of airline tickets for Delta and Northwest Airlines for any County travelers with no restrictions.⁵ In addition to this benefit, the advantages of managed travel include better cost controls and reporting, the ability to track sales volume in order to negotiate discounted rates and the ability to get assistance from a travel agent at any time, as well as exchanging tickets or getting refunds at a reduced penalty and less restrictions (versus booking on the Internet).

⁵ Under the current contract, the County earns free tickets based upon a certain percentage of the combined total of commission earned and total fees charged to the County.

GOE ITEM 2(H) and Supplement
January 13, 2004

V. COMMENTS AND QUESTIONS

Before the existing contract with BTA was awarded in 1999, alternatives to using an outside contracted travel agency were explored by the County Manager's office:

- An in-house travel agency with County staff – ruled out due to the costs involved (staff, computers, bonding, operating costs, etc.) and experienced private firms are already in existence
- Utilizing State of Florida contract or Federal rates for air services – ruled out because most State rates were not competitive with market rates and federal rates are only honored for Federal government business
- Use any travel agency and not have a contracted agency – ruled out because the savings and economics of using only one agency could not be realized (e.g. ability to ensure that travel policies and procedures are being followed and that the lowest price tickets are purchased, to generate travel reports and receive special assistance)
- Negotiating directly with major airlines and hotels – ruled out because the lowest airfares would likely be accessible by any travel agency and car rental and lodging reservations may still need to be made; in addition, many hotels are individually-owned and operated, making negotiation more difficult.

The contract allows for the County to terminate the agreement at any time, in its sole discretion, with or without cause.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY, LOCATED AT THE SOUTHERN TERMINUS OF THE BUSWAY EXTENSION TO FLORIDA CITY, BETWEEN NORTHWEST 2 STREET AND SOUTHWEST 344 STREET, AND NORTHWEST 2 AVENUE AND NORTHWEST 3 AVENUE, IN FLORIDA CITY PROJECT NO. 663008

Public Works Department

I. SUMMARY

This resolution will approve the **Acquisition of Land** required for the construction of a new Park and Ride Facility, located in Florida City.

Authorizes the County Manager to employ appraisers, obtain environmental audits, and acquire the land valued by the appraisals.

II. PRESENT SITUATION

Currently the Miami-Dade Transit Department has shown interest in acquiring land located at Northwest 2 Street and Southwest 344 Street, Florida City. The Park and Ride Facility will serve passengers in parts of Miami-Dade County and passengers traveling to Monroe County and the lowers Keys. Attached is the legal description of the parcels of land Miami-Dade Transit Department is required to purchase in "Exhibit A" and the project location map in "Exhibit B".

In order for the process for the development of this facility to proceed, the Miami-Dade Transit Department needs to obtain authorization to employ an appraiser, obtain an environmental audit, acquire the land at values established by the appraisals, and if necessary, be prepared to proceed to condemn a resident, a commercial, and a new residence under construction.

The Park and Ride Facility improvements will provide transit riders surface parking, a "Kiss and Ride" drop off area, a passenger wait area, bus bays and a turnaround for buses using the Busway; rest/break facilities for bus driver's, including restrooms and other ancillary improvements standard affiliated to the construction of a Park and Ride Facility.

Respectfully, staff from the Miami-Dade Transit Department met with the Mayor's staff at Florida City. The Mayor's representative expressed his strong approval of the project. The Miami-Dade Transit Department will proceed to inform the residents of the project location by hosting a town meeting.

The Park and Ride Project is being funded by a Federal Busway grant.

GOE ITEM 2 (I)
January 13, 2004

III. POLICY CHANGE AND IMPLICATIONS

Residents in and around the project location will have the opportunity to fully understand the advantages and disadvantage the Park and Ride Facility may bring.

IV. ECONOMIC IMPACT

At this time, staff indicated there is no economic impact study for the residents in Florida City, Monroe County, and lower keys.

The project should bring a positive impact for the residents of Miami-Dade County, Florida City and the lower Keys.

V. COMMENTS AND QUESTIONS

- Staff has indicated that there is at least one home site with another home site under construction and one commercial site on the project land.
- Staff stated that representatives from Florida City expressed their strong approval for the project.
- Staff will host a town meeting with residents in and around the project land.
- Staff stated that once the appraisal of the land is approved, the land is acquired by Miami-Dade County and the design is in place, the County, if necessary, will have the option to condemn the home sites and one commercial. Staff stated that this does not occur very often. Usually there is mediation support that aide all sides.

EXHIBIT "A"

Legal Description

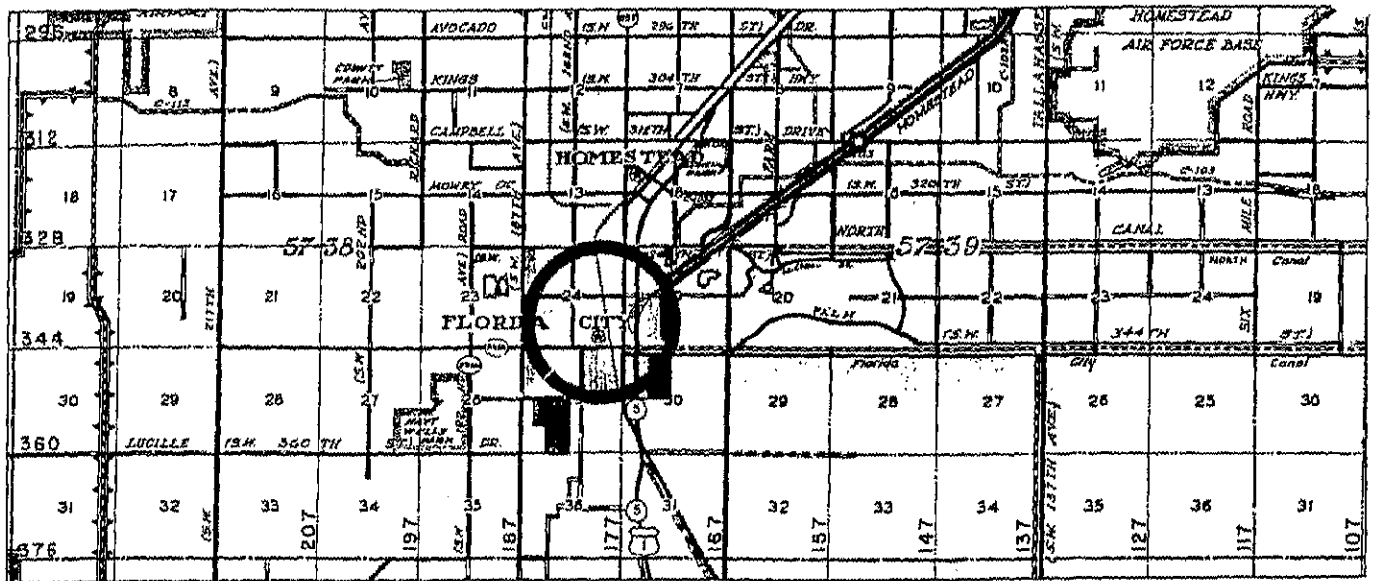
All of Block 25, MAP OF DETROIT, according to the plat thereof as recorded in Plat Book 2 at Page 74, of the Public Records of Miami-Dade County, Florida,

AND

Lots 8 through 13, inclusive, and the South 40.00 feet of Lot 3, of Block 19, MAP OF DETROIT, according to the plat thereof as recorded in Plat Book 2 at Page 74, of the Public Records of Miami-Dade County, Florida.

SEC 24
TWP 57 S
RGE 38 E

LOCATION MAP Not to Scale



To be acquired by County

NOT A SURVEY - NOT TO SCALE

EXHIBIT "B"

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS AND
APPROVAL OF CHANGE ORDER NO. TWO TO THE CONTRACT WITH H & J
ASPHALT CO., INC. FOR QUALITY NEIGHBORHOODS IMPROVEMENT
PROGRAM 2 (QNIP-2) RESURFACING CONTRACT NO. 5 PROJECT NO. 629901*

Public Works Department

I. SUMMARY

This resolution authorizes the waiver of the competitive bidding process and the approval of Change Order No. 2 of a contract between H & J Asphalt Co., Inc. and Miami-Dade County.

II. PRESENT SITUATION

H & J Asphalt Co., Inc. was awarded Project No. 629901 Quality Neighborhoods Improvement Program (QNIP) Resurfacing Contract No. 5. The project consists of resurfacing of existing County streets.

While H & J Asphalt Co., Inc. was resurfacing existing County streets, Public Works Department (PWD) offered six firms the opportunity to accept \$300,000 for an additional resurfacing project. Only two firms accepted the offer from (PWD). Two of the firms that accepted was H & J Asphalt Co., Inc. and H & R Paving, Inc. Staff explained that the offer is beneficial to the County, as four firms requested to renegotiate the amount offered.

(PWD) considered the fact that the prices under the current contract are very competitive and based on the contractor's performance requests that the Board waive the competitive bidding process and increase the contract amount by (+) 15.00 % (\$300,000).

Additionally, (PWD) is requesting that the proceeds to fund all or some part of the change order recommendation amount come from Transit System Sales Surtax levied pursuant to Section 29121 of the Code of Miami-Dade County.

III. POLICY CHANGE AND IMPLICATIONS

This change order requests the following:

- Fund all or some part of the change order recommendation amount come from Transit System Sales Surtax levied pursuant to Section 29121 of the Code of Miami-Dade County;
- Adjust the original contract amount to \$2,300,000.00 (+) 15.00% for resurfacing of County Streets;

GOE ITEM 2 (J)
January 13, 2004

- Waiver of the competitive bidding process; and
- Extend this contract for an additional calendar year thru May 26, 2004.

IV. ECONOMIC IMPACT

Original Contract Amount:	\$2,000,000.00
Change Order No. 2	\$300,000.00
Adjusted contract amount:	\$2,300,000.00
Percentage increase:	(+) 15.00

The contract may be funded from the Transit System Sales Surtax.

V. COMMENTS AND QUESTIONS

Although on its surface this appears to be a good deal in both time savings and money for the County, the lack of competitive bidding raises concerns for inclusion.

The six contractors are:

H & J-Hispanic firm
H&R-Hispanic firm
General Asphalt-Anglo firm
Brewer-Anglo firm
APAC-Anglo firm

Staff indicated that they are requesting the proceeds be taken from the Transit Systems Surtax and not QNIP in order to fast start PTP projects that everyone is anxious to begin. It should be noted that a limited amount of this type of work was envisioned for the PTP.

Staff indicated this increase was within their department policies for adding additional work/pay item to existing contracts. Additionally, staff explained the offer is beneficial to the County, because four that did not accept the offer requested to renegotiate the amount above the County offered.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS AND
APPROVAL OF CHANGE ORDER NO. ONE TO THE CONTRACT WITH H & R
PAVING, INC. FOR QUALITY NEIGHBORHOODS IMPROVEMENT
PROGRAM 2 (QNIP-2) RESURFACING CONTRACT NO. 6 PROJECT NO. 629902*

Public Works Department

I. SUMMARY

This resolution authorizes the waiver of the competitive bidding process and the approval of Change Order No. 2 of a contract between H & R Paving, Inc. and Miami-Dade County.

II. PRESENT SITUATION

H & R Paving, Inc., was awarded Project No. 629902 Quality Neighborhoods Improvement Program (QNIP) Resurfacing Contract No. 6. The project consists of resurfacing of existing County streets.

While H & R Paving, Inc., was resurfacing existing County streets, the Public Works Department (PWD) offered six firms the opportunity to accept \$300,000 for an additional resurfacing project. Only two firms accepted the offer from (PWD). Two of the firms that accepted was H & R Paving, Inc. and H & J Asphalt Co., Inc. Staff explained that the offer is beneficial to the County, as four firms requested to renegotiate the amount offered.

(PWD) considered the fact that the prices under the current contract are very competitive and based on the contractor's performance requests that the Board waive the competitive bidding process and increase the contract amount by (+) 15.00 % (\$300,000).

Additionally, (PWD) is requesting that the proceeds to fund all or some part of the change order recommendation amount come from Transit System Sales Surtax levied pursuant to Section 29121 of the Code of Miami-Dade County.

III. POLICY CHANGE AND IMPLICATIONS

This change order requests the following:

- Fund all or some part of the change order recommendation amount come from Transit System Sales Surtax levied pursuant to Section 29121 of the Code of Miami-Dade County;
- Adjust the original contract amount to \$2,300,000.00 (+) 15.00% for resurfacing of County Streets;

GOE ITEM 2 (K)
January 13, 2004

- Waiver of the competitive bidding process;
- Extend this contract for an additional calendar year thru July 6, 2004;and
- Add eight new pay items in this change order.

IV. ECONOMIC IMPACT

Original Contract Amount:	\$2,000,000.00
Change Order No. 2	\$300,000.00
Adjusted contract amount:	\$2,300,000.00
Percentage increase:	(+) 15.00

The contract may be funded from the Transit System Sales Surtax.

V. COMMENTS AND QUESTIONS

Although on its surface this appears to be a good deal in both time savings and money for the County, the lack of competitive bidding raises concerns for inclusion.

The six contractors are:

H & J-Hispanic firm
H&R-Hispanic firm
General Asphalt-Anglo firm
Brewer-Anglo firm
APAC-Anglo firm

Staff indicated that they are requesting the proceeds be taken from the Transit Systems Surtax and not QNIP in order to fast start PTP projects that everyone is anxious to begin. It should be noted that a limited amount of this type of work was envisioned for the PTP.

Staff indicated this increase was within their department policies for adding additional work/pay item to existing contracts. Additionally, staff explained the offer is beneficial to the County, because four that did not accept the offer requested to renegotiate the amount above the County offered.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO ACCEPT AND RELEASE WATER AND SEWER EASEMENTS AT NO COST TO MIAMI-DADE COUNTY AND TO EXECUTE ANY APPROPRIATE DOCUMENTS FOLLOWING REVIEW BY THE COUNTY ATTORNEY

Water and Sewer Department

I. SUMMARY

Authorizes the County Manager or Designee to accept and release Water and Sewer Easements.

II. PRESENT SITUATION

Currently, Miami-Dade Water and Sewer Department accepts donated easements for the installation and maintenance of new water and/or sewer facilities throughout Miami-Dade County and releases such easements when they do not need it in order to facilitate construction or conveyances of property and remove unnecessary encumbrances from privately owned property.

III. POLICY CHANGE AND IMPLICATION

Item would accept water and sewer easements needed by the Department and would also give it authority to release water and sewer items no longer needed by the Department.

The acceptance and release of water and sewer easements would be done administratively. This item allows the County Manager or Designee to approve them without it being heard by the Board of County Commissioners.

IV. ECONOMIC IMPACT

No fiscal impact is anticipated.

V. COMMENTS AND QUESTIONS

Since 2000, the Water and Sewer Department has forwarded 33 approvals for either release or acceptance of easements to the Board of County Commissioners.

There is no time limit or sunset provision on this item.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING THE PUBLIC WORKS DEPARTMENT'S USE OF THE GENERAL ENGINEERING CONSULTANT SERVICES CONTRACT WITH SAN MARTIN ASSOCIATES, INC. FOR PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECTS

Public Works Department

I. SUMMARY

These four (4) resolutions seek approval for the Public Works Department (PWD) to utilize four General Engineering and Project Management contracts for the Department's portion of the Peoples' Transportation Plan (PTP) Projects.

The four contracts are as follows:

- San Martin Associates, Inc. - \$4 million
- Civil-Cadd Engineering, Inc. - \$4 million
- CES Consultants, Inc. - \$4 million
- Network Engineering Services, Inc. - \$4 million

II. PRESENT SITUATION

Three of these four contracts (San Martin, Civil-Cadd, and NES) were entered into in May of 2003 and are currently being utilized for infrastructure projects throughout the County. The fourth contract, with CES Consultants, has yet to be ratified by the Board of County Commissioners.

III. POLICY CHANGE AND IMPLICATION

The projects addressed in these contracts shall be eligible for funding by the Charter County Transportation Surtax (Surtax) if they are contained in the PTP and approved by the Citizens' Independent Transportation Trust (CITT).

The DPW contends that by allowing the department to utilize current contracts, these projects can be developed in a more timely manner. However, some may argue that utilizing existing contracts circumvents the competitive bidding process. The department states that these contracts were advertised and approved with the intention of PTP projects being contained with them.

Some Commissioners have been reluctant to approve the expansion of the Scopes of Work for current contractors, in the hopes that putting these contracts out to bid, the County might be able to be more inclusive to segments of the community that may want to bid on this type of work.

GOE ITEM 2(Q),(R),(S), & (T)
January 13, 2003

Further, on Thursday January 15, 2004, the Transportation Committee will hear an item offered by Miami Dade Transit (MDT) requesting approval to advertise for a Master Project Consultant for the implementation of the PTP.

IV. ECONOMIC IMPACT

Each of these for contracts has a contract ceiling of \$ 4 million for work on an "as needed" basis, for a total of \$ 16 million. The Department contends that the current contract ceilings should be enough to handle the projects included in the PTP along with the ongoing infrastructure projects.

Currently, these contracts are being funded from a variety of sources including Federal Emergency Management (FEMA) funds, Quality Neighborhood Improvement Program (QNIP) funds, Secondary Gas Tax funds, Local Option Gas Tax funds, and Capital Outlay Reserves.

This item will allow for PTP Surtax funds to be utilized for projects contained within the PTP.

However, if any of the PTP projects were contained in the Department's work program prior to the passage of the PTP, then these resolutions would allow for the department to offset the use those other funding sources with Surtax revenues. This may circumvent the desire of the County that such projects be funded through maintenance of effort.

V. COMMENTS AND QUESTIONS

The timing of the awarding of the initial three (3) contacts, in May of 2003 (only 6 months after the passage of the PTP) would imply that the Scope of Work being awarded to these firms was not intended to include PTP Projects, but rather to handle the normal ongoing efforts of the Department prior to the passage of the PTP.

LEGISLATIVE ANALYSIS AND IMPACT STATEMENT

*RESOLUTION DIRECTING THE COUNTY MANAGER TO INITIATE DISCUSSIONS
WITH THE CITY MANAGER OF THE CITY OF MIAMI REGARDING ENFORCEMENT
OF THE SIGN CODE OF MIAMI-DADE WITHIN THE CITY OF MIAMI.*

Commissioner Katy Sorenson

I. SUMMARY

This proposed resolution directs the County Manager to initiate discussions with the City of Manager of the City of Miami with respect to the enforcement of the Sign Code Miami-Dade County within the City of Miami, with respect to the amount of signs in the City, the distance between signs. The Sign Codes; among other form of advertising, regulate outdoor advertising normally in the form of billboards. Pursuant to Miami-Dade County ordinance 33-121 there are only 10 outdoor advertising permitted in the applicable areas, which includes both incorporated and unincorporated Miami-Dade County. It has been reported that there are 375 billboards littered in the City of Miami.

II. PRESENT SITUATION

There are 375 billboards littered in the City of Miami, and according to the City of Miami resolution 85-540 and ordinance 9993, the maximum allowable limit is Ten (10). Accordingly, 90 percent of the current billboards in the City of Miami are illegal. These facts notwithstanding, The City of Miami has adopted the posture of negotiating and entering into settlement agreement with the owners of the offending billboards, and instead of effecting the removal of these illegal signs opt to bargain for advertising space for the City and/or in the alternative accepting money in the form of penalties from these offenders and not insisting on the removal of these illegal signs.

III. POLICY CHANGE AND IMPLICATIONS

This proposed resolution would direct the County Manager to engage dialogue with the City of Miami and to obtain in writing the municipality's resolve as to subsection 5, which requires a 300 feet distance between signs, a list of all commercial signs in the city and whether these signs conform to the applicable ordinance, and if not, whether the City was prepared to enforce both their own ordinance and the county's ordinance which are identical terms.

It appears from all indication that the City may not be prepared to engage the billboard industry in a resolved sustained manner as to indicate a commitment to the integrity and enforcement of the sign code of Miami-Dade County or ordinance 9993 of the city's own codes. We explain.

Assuming without deliberation that the reported numbers of existing signs are true, and accepting that the signs were properly permitted, coupled with the fact that the signs are not exactly microscopic and are readily visible, then we must necessarily conclude that the City either by omission, neglect or design has allowed their own ordinance to fall into disuse. Case and point, the City initiated action against one of the billboard companies. The company was ultimately fined and promptly appealed the penalties to State court, at which point the city opted to settle. While there may be ample procedural errors giving rise to an appeal, one of the issues that probably would have been raised on appeal might have been whether the City was estopped from denying the permissibility of an erection, which it (the City) permitted through its permit process.

The controlling ordinance dates back to 1985, most of the illegal billboard were not erected until after that date. As such, any billboards erected after 1985 does not qualify as a nonconforming use, and are simply in contravention of the governing law, thus illegal. The concern appear to have been that under Florida Statutes chapter 479, a local government seeking to remove a billboard may become liable to the owner for just compensation. We do not dispute that billboards are personal properties enjoying the benefits of depreciated tax basis, which color that erection similar to real estate.

However, pursuant to Fla. Stat. Section 479.155, counties and municipalities retain the power to enact outdoor advertising or sign ordinances. The ordinances are clear that any billboard in an incorporated or unincorporated area in excess of Ten (10) is strictly and expressly prohibited, and as such subject to removal.

Under Chapter 479, which states in pertinent part, "just compensation shall be paid upon the department's removal of a lawful nonconforming sign along any portion of the interstate...this section does not apply to a sign which is illegal at the time of its removal." Because these signs have not been conferred nonconforming status, it cannot be said that an illegal erection would benefit from eminent domain protection.

Lastly, subsection 33-121.11 of the Miami-Dade County Codes speak to the applicability of the ordinance and specifically states that "this division shall apply to both the incorporated and unincorporated area. Any municipality may establish and enforce more restrictive regulations as such municipality may deem necessary." Under this subsection, the City of Miami possesses no occasion to increase the limit of Ten (10) as stated in the County's ordinance. However, at first impression subsection 33-121.17 appears to have carved out an exception specific to the City of Miami, by stating in subparagraph (b), which reads "provisions of this division shall not apply to signs authorized by the City of Miami pursuant to City of Miami Ordinance No. 9993 only when said ordinance has been amended by the City of Miami in accordance with the City of Miami resolution No. 85-540. The City of Miami resolution No.: 85-540 passed and adopted on May 23, 1985, limits the maximum allowable number of billboards to Ten (10), on the east side of I-95 and requiring a permit. Accordingly, it appears that once again, the city is without occasion or authority to aggrandize its own power under this ordinance.

IV. ECONOMIC IMPACT

Any economic impact would depend on the County's posture should the City either refuses or agrees to cooperate.

V. COMMENTS AND QUESTIONS

The proposed ordinance is a well-reasoned query into the articulated problem. However, the following questions remain:

1. Can the county mandate the enforcement of the ordinance by the City
2. If so, must the County fund that mandate
3. Does the County have jurisdiction to require the removal of the billboards
4. If so, what would be the economic impact be on the City
5. How would that economic impact on the city affect the County
6. Should this ordinance be revised
7. Does the rationale leading to the enactment of the ordinance still applicable today.

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479.01 Definitions.--As used in this chapter, the term:

(1) "Automatic changeable facing" means a facing which through a mechanical system is capable of delivering two or more advertising messages and shall not rotate so rapidly as to cause distraction to a motorist.

(2) "Business of outdoor advertising" means the business of constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.

(3) "Commercial or industrial zone" means a parcel of land designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163. If a parcel is located in an area designated for multiple uses on the future land use map of a comprehensive plan and the land development regulations do not clearly designate that parcel for a specific use, the area will be considered an unzoned commercial or industrial area if it meets the criteria of subsection (23).

(4) "Controlled area" shall mean 660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system outside an urban area.

(5) "Department" means the Department of Transportation.

(6) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

(7) "Federal-aid primary highway system" means the existing, unbuilt, or unopened system of highways or portions thereof, which shall include the National Highway System, designated as the federal-aid primary highway system by the department.

(8) "Highway" means any road, street, or other way open or intended to be opened to the public for travel by motor vehicles.

(9) "Interstate highway system" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the national system of interstate and defense highways by the department.

(10) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(11) "Maintain" means to allow to exist.

(12) "Motorist services directional signs" means signs providing directional information about goods and services in the interest of the traveling public where such signs were lawfully erected and in existence on or before May 6, 1976, and continue to provide directional information to goods and services in a defined area.

(13) "New highway" means the construction of any road, paved or unpaved, where no road previously existed or the act of paving any previously unpaved road.

(14) "Nonconforming sign" means a sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of state or local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with state or local law, rule, regulation, or ordinance due to changed conditions.

(15) "Premises" means all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow strip, the only viable use of such land is to erect or maintain an advertising sign. When the sign owner is a municipality or county, "premises" shall mean all lands owned or leased by such municipality or county within its jurisdictional boundaries as set forth by law.

(16) "Remove" means to disassemble, transport from the site, and dispose of sign materials by sale or destruction.

(17) "Sign" means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the department.

(18) "Sign direction" means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.

(19) "Sign face" means the part of the sign, including trim and background, which contains the message or informative contents.

(20) "Sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction.

(21) "Sign structure" means all the interrelated parts and material, such as beams, poles, and stringers, which are constructed for the purpose of supporting or displaying a message or informative contents.

(22) "State Highway System" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the State Highway System by the department.

(23) "Unzoned commercial or industrial area" means a parcel of land designated by the future land use map of the comprehensive plan for multiple uses that include commercial or industrial uses but are not specifically designated for commercial or industrial uses under the land development regulations, in which three or more separate and distinct conforming industrial or commercial activities are located.

(a) These activities must satisfy the following criteria:

1. At least one of the commercial or industrial activities must be located on the same side of the highway and within 800 feet of the sign location;
2. The commercial or industrial activities must be within 660 feet from the nearest edge of the right-of-way; and
3. The commercial industrial activities must be within 1,600 feet of each other.

Distances specified in this paragraph must be measured from the nearest outer edge of the primary building or primary building complex when the individual units of the complex are connected by covered walkways.

(b) Certain activities, including, but not limited to, the following, may not be so recognized as commercial or industrial activities:

1. Signs.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main-traveled way.
5. Activities conducted more than 660 feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.
8. Communication towers.

(24) "Urban area" has the same meaning as defined in s. 334.03(32).

(25) "Visible commercial or industrial activity" means a commercial or industrial activity that is capable of being seen without visual aid by a person of normal visual acuity from the main-traveled way and that is generally recognizable as commercial or industrial.

(26) "Visible sign" means that the advertising message or informative contents of a sign, whether or not legible, is capable of being seen without visual aid by a person of normal visual acuity.

History.--s. 1, ch. 20446, 1941; s. 1, ch. 65-397; s. 5, ch. 67-461; ss. 23, 35, ch. 69-106; s. 175, ch. 71-377; s. 1, ch. 71-971; s. 1, ch. 75-202; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 1, ch. 77-457; s. 1, ch. 78-8; ss. 2, 3, ch. 81-318; ss. 1, 25, 26, ch. 84-227; s. 6, ch. 90-136; s. 67, ch. 91-220; s. 4, ch. 91-429; ss. 6, 50, ch. 93-164; s. 32, ch. 94-237; ss. 37, 120, ch. 99-385; s. 28, ch. 2000-266.

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Sec. 33-121.13. Exceptions.

Erection of the following signs shall be permitted in protected areas, subject to the conditions and limitations listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:

(a) *Temporary signs* which are located and oriented to serve streets other than an expressway, and are located at least one hundred (100) feet from the expressway right-of-way, except that such signs may serve and be oriented to an expressway if the property concerned abuts the expressway right-of-way and is not served by a parallel expressway service road or is abutting the expressway right-of-way and has direct, permanent legal access to the expressway. In no event shall any temporary sign be larger than one hundred twenty (120) square feet.

(b) *Point of sale signs* which are located on and oriented to the frontage on the street which provides actual and direct access to the front or principal entrance of the place of business; however, on corner lots a second detached point of sale sign will be permitted provided that the same is not larger than forty (40) square feet, is located on and oriented to the street frontage of the street other than the one (1) serving the principal entrance of the place of business. "Oriented," in connection with point of sale signs shall mean, in the case of detached signs, placed at a ninety (90) degree angle to the street being serviced; in the case of roof signs, parallel to and fronting such street and within the front twenty-five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned. Wall signs within two hundred (200) feet of an expressway shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one (1) other wall of such building and shall be limited to ten (10) percent of such other wall area. In no event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty-five (25) feet above the average grade of the premises concerned, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet.

(c) *Outdoor advertising signs* shall not be erected for the purpose of serving any expressway, and outdoor advertising signs in protected areas shall be erected and oriented to serve only streets other than expressways, subject to the following conditions:

(1) That in no event shall any **outdoor advertising** sign be erected or placed closer than two hundred (200) feet to the right-of-way lines of any expressway.

(2) That **outdoor advertising** signs shall be erected and placed only in business or commercial (not including industrial) zoning districts which permit **outdoor advertising** under the applicable zoning regulations of the County or municipality having jurisdiction.

(3) That no **outdoor advertising** sign shall be erected that is larger than fifteen (15) feet in width and fifty (50) feet in length, whether single or multiple boards.

(4) That no detached **outdoor advertising** sign shall be erected which is more than twenty-five (25) feet above the average existing grade of the site on which such sign is erected, or the flood criteria elevation (if property is filled to such elevation) whichever is the greater; nor shall an **outdoor advertising** roof sign be erected which is more than twenty (20) feet above the roof.

(5) That no **advertising** signs shall be erected or placed within three hundred (300) feet of another **outdoor advertising** sign, such distance to be measured in all directions from the outermost edges of such sign.

(6) That no **outdoor advertising** sign shall be erected or placed within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.

(7) That **outdoor advertising** signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front seventy (70) feet of the lot or tract on which erected.

(8) That no **outdoor advertising** signs shall be erected or placed on a street dead-ended by

the expressway, between the expressway and the first street running parallel to the expressway and on the same side of the dead-end street, even though such distance may be greater than two hundred (200) feet.

(9) That **outdoor advertising** signs shall be erected and placed only on property conforming in size and frontage to the requirements of the zoning district in which located, and detached **outdoor advertising** signs shall not be erected on property already containing a use or structure.

(10) That detached **outdoor advertising** sign structures shall be of the so-called cantilever type construction (double-faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).

(d) Any sign which fails to conform with the provisions of this division but is not visible from any expressway due to an intervening obstruction.

(Ord. No. 63-26, § 4, 7-2-63; Ord. No. 64-32, § 1, 7-21-64; Ord. No. 68-15, § 1, 3-5-68; Ord. No. 69-75, § 1, 10-22-69)

Sec. 33-121.17. Repeal clause.

(a) All County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami-Dade County or any municipality in Miami-Dade County, or any general laws which the Board of County Commissioners is authorized by the Constitution to supersede, nullify, modify or amend, or any part of such ordinance, resolution, charter or law, in conflict with any provision of this division, is hereby repealed.

(b) Provisions of this division shall not apply to signs authorized by the City of Miami pursuant to City of Miami Ordinance No. 9993 only when said ordinance has been amended by the City of Miami in accordance with the City of Miami Resolution No. 85-540.

(Ord. No. 63-26, § 8, 7-2-63; Ord. No. 83-53, § 3, 7-5-83; Ord. No. 85-36, § 3, 6-6-85)

Secs. 33-121.18, 33-121.19. Reserved.

Sec. 33-121.11. Applicability.

This division shall apply to both the incorporated and unincorporated area. Any municipality may establish and enforce more restrictive regulations as such municipality may deem necessary.

(Ord. No. 63-26, § 2, 7-2-63; Ord. No. 83-53, § 2, 7-5-83; Ord. No. 85-36, § 2, 6-6-85)

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479.155 Local outdoor advertising or sign ordinances.--The provisions of this chapter shall not be deemed to supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances.

History.--s. 4, ch. 78-138; s. 2, ch. 81-318; ss. 16, 25, 26, ch. 84-227; s. 4, ch. 91-429.

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479.24 Compensation for removal of signs; eminent domain; exceptions.--

(1) Just compensation shall be paid by the department upon the department's removal of a lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system. This section does not apply to a sign which is illegal at the time of its removal. A sign will lose its nonconforming status and become illegal at such time as it fails to be permitted or maintained in accordance with all applicable laws, rules, ordinances, or regulations other than the provision which makes it nonconforming. A legal nonconforming sign under state law or rule will not lose its nonconforming status solely because it additionally becomes nonconforming under an ordinance or regulation of a local governmental entity passed at a later date. The department shall make every reasonable effort to negotiate the purchase of the signs to avoid litigation and congestion in the courts.

(2) The department is not required to remove any sign under this section if the federal share of the just compensation to be paid upon removal of the sign is not available to make such payment, unless an appropriation by the Legislature for such purpose is made to the department.

(3)(a) The department is authorized to use the power of eminent domain when necessary to carry out the provisions of this chapter.

(b) If eminent domain procedures are instituted, just compensation shall be made pursuant to the state's eminent domain procedures, chapters 73 and 74.

History.--s. 9, ch. 71-971; s. 5, ch. 75-202; s. 3, ch. 76-168; s. 1, ch. 77-174; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 19, 25, 26, ch. 84-227; s. 4, ch. 91-429; s. 42, ch. 94-237.

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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY THE PEOPLE'S TRANSPORTATION PLAN EXPEDITE ORDINANCE NO. 03-193 AMENDING SECTIONS 2-8.2.6 AND 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING PEOPLE'S TRANSPORTATION PLAN ACTIVITIES LISTED ON THE ATTACHED SCHEDULE

County Manager

I. SUMMARY

This resolution seeks ratification for actions taken by the County Manager in December of 2003 in conjunction with projects contained in the Peoples' Transportation Plan (PTP).

All PTP projects contained in the County's Transportation Improvement Plan (TIP) are authorized to be processed under the County's Expedite Ordinance once approved by the Citizens' Independent Transportation Trust (CITT).

Fifteen (15) projects are contained in this item to be advertised for proposals by the County Manager.

II. PRESENT SITUATION

Miami-Dade County has completed it's first year of revenue collects with the Charter County Transportation System Surtax (Surtax). The average estimated annual revenues derived from the Surtax are approximately \$160 million.

On September 23, 2003 the Board of County Commissioners approved the inclusion projects listed under the PTP and TIP within the County's Expedite Ordinance.

III. POLICY CHANGE AND IMPLICATION

The County Manager contends that approval of these items will help to expedite various projects associated with the PTP.

Five of the projects contained in this item, listed as sidewalk and drainage items, raise the question as to why separate contracts are being awarded sidewalk and drainage work which are obviously related to larger road work projects.

Shouldn't the "Scope of Work" for the original road work contracts contained provisions for sidewalk and drainage provisions?

If the original contractor is on-site doing the road work, wouldn't it be more expedient to have the same contractor provide the associated improvements to the sidewalk and drainage infrastructure affected by the road work?